

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TERRY KUEHNER,)	Civil Action No. 08 - 1319
)	Electronic Filing
Plaintiff,)	
)	District Judge David S. Cercone
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
PHD JEFFERY BEARD, et al)	
)	
Defendants.)	

MEMORANDUM ORDER

The above captioned case was initiated on September 22, 2008, by the filing of a Motion to Proceed In Forma Pauperis (doc. no. 1) accompanied by a Complaint. It was originally assigned to Magistrate Judge Lisa Pupo Lenihan, but was reassigned to Judge David S. Cercone on April 16, 2009, upon the filing of an appeal of a Magistrate Judge ruling. The case was referred back to Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rule 72.C.2 of the Local Rules.

The Magistrate Judge's Report and Recommendation (doc. no. 54), filed on November 25, 2009, recommended that the Motion to Dismiss filed by the Commonwealth Defendants (doc. no. 24) be granted. It is further recommended that the Motion to Dismiss or for More Definite Statement filed by the Medical Defendants (doc. no. 32) be granted to the extent that it seeks a more definite statement of Plaintiff's claims. Plaintiff filed Objections on December 15, 2009 (doc. no. 56). After a review of the pleadings and documents in the case, together with the Report and Recommendation and the Objections thereto, the following order is entered:

AND NOW, this 5th day of January, 2010;

IT IS HEREBY ORDERED that the Motion to Dismiss filed by the Commonwealth Defendants (doc. no. 24) is **GRANTED**.

IT IS FURTHER ORDERED that the Motion to Dismiss or for More Definite Statement filed by the Medical Defendants (doc. no. 32) is **GRANTED** to the extent that it seeks a more definite statement of Plaintiff's claims; it is **DENIED** to the extent it seeks dismissal of Plaintiff's claims against the Medical Defendants.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 54) of Magistrate Judge Lenihan, dated November 25, 2009, is adopted as the Opinion of the Court.



David Stewart Cercone
United States District Judge

cc: Honorable Lisa Pupo Lenihan
United States Magistrate Judge

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